

TESTIMONY OF
BRIGADIRE GENERAL JACKIE HUBER
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
HOUSE GOVERNMENT AND VETERANS AFFAIRS
12 JANUARY 2023
HOUSE BILL 1069

Good morning, Chairman Schauer, members of the committee, I am Jackie Huber, Deputy Adjutant General for the North Dakota National Guard (NDNG). I am here today to testify in support of House Bill 1069.

I am here today proposing a new chapter of Title 37 North Dakota Century Code, relating to expenses and pay of officer and enlisted members of the national guard. Our proposal consolidates two older sections and cleans up state law on how we pay members when on State Active Duty (SAD).

The amendments in Section 1 sub-section 1 authorize the Adjutant General to pay Soldiers and Airmen at the maximum years of service and at a minimum rank of Private First Class (E-3). Section 1, sub-section 5 amends authority of the Adjutant General to pay members incentive pay as authorized by federal law not to exceed the maximum monthly amount. Finally, Section 1, sub-section 6 authorizes pay for members on SAD beyond 14 days for necessary rest and recovery as deemed necessary to ensure the safety and readiness of the member while ensuring the mission is accomplished. These authorities will make ND comparable or slightly ahead of regional states for pay while taking care of members during lengthy missions.

In the summer of 2021 North Dakota Army National Guard experienced a situation that brought to light the issue we want to solve with HB 1069, SAD Pay and Incentive Equity. For most of that year many of the NDNG Black Hawk helicopters were in the Washington D.C. area for a federal mission. In the spring the remaining helicopters and crews were sufficient to support the fires near Medora. Later that summer, due to various circumstances we requested Emergency Management Assistance Compact (EMAC) support from the South Dakota National Guard for additional wildland fire missions in North Dakota. Two South Dakota aircraft and crews promptly arrived and supported North Dakota crews in getting fires under control.

The way EMAC agreements are currently set-up the requesting state pays the supporting state personnel based on the higher of the two states State Active Duty pay. In this case North Dakota paid the South Dakota crews over \$3,200 more than we paid the North Dakota crews for the same services.

The situation just described drove us to look further into how North Dakota compared to other states regarding State Active-Duty compensation. We were able to review pay tables from South Dakota, Iowa, Kansas and Idaho and review policy from Minnesota.

During our comparison we discovered that ND's pay was behind these states and identified methods that we could use to provide comparable pay to our service members.

A logical question would then be - How big of an impact would these changes have on the cost to the state, county, or community requesting National Guard assistance? The answer to that question is not straight forward but we attempted to describe it in the fiscal note.

It depends on the duration of the emergency and how many members are required to respond. If you separate the 2009 and 2011 floods that would likely receive a disaster declaration providing cost share, 75% federal, 25% state. A typical State Active-Duty mission is less than three days and requires 10-15 personnel, like the train derailment fire response near Minot in the Spring of 2022. As we compared our current pay to our proposed pay for this event the difference is roughly \$460. For larger, longer events the difference can grow to the tens of thousands of dollars but in the cases of the flood events mentioned or a comparable event the state has a 25% cost share.

In conclusion, we have identified the need to adequately compensate our members for the services they provide during state and local missions, the hazards endured while providing those services, and the disruption to their lives, mostly college and civilian employment.

I ask for your support of HB 1069 and will stand by for any questions that you may have.